

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

FEB 4 2005

HARFORD COUNTY COUNCIL

Case No. 5476
Date Filed 01/31/05
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5476 MAP 26 TYPE Variance

ELECTION DISTRICT 05 LOCATION 3278 Adv Rd., Street

BY Cherrill Garrison

Appealed because a variance pursuant to Sec. 267-26C (4) of the Harford County Code to permit an above ground pool within the required front yard setback in the Ag District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Cherrill GARRISON Phone Number 410-893-7092
Address 3278 Adv Rd. S Street Mc 21154
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 32.78 Adey Rd. Street No. 21154
CORNER OF Adey Rd + Pine Branch Rd.

Subdivision LANDS OF Robert D. Lynch Lot Number 1

Acreage/Lot Size 2 ACRES +/- Election District 05 Zoning AG

Tax Map No. 26 Grid No. 2C Parcel 124 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: HOUSE, GARAGE, POOL

Estimated time required to present case: 1/2 hour

If this Appeal is in reference to a Building Permit, state number 0413130210

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

see attached

Justification

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request for Property Variance of 3278 Ady Road

I, Cherrill Garrison am requesting a variance to be able to keep a 24' round above ground pool within the 50 ft. minimum building set back line.

Justification of Property Variance

This is a replacement of a 48"x15' round above ground pool.

The existing pool is located in the same location as the previous pool that was intact for approximately 16 years.

The front yard setback is located off of Mine Branch Rd. which is a dead end road used to access neighboring houses.

The garage and the house are within the 50 ft. setback.

If I were to put the pool in the location recommended from Harford County Zoning the pool would be on top of the septic line leading from the house to the septic tank therefore if there would be any problems with the septic line in the future the pool may need to be removed to gain access to the line. Also, the pool would be located close to the pine trees and in order to level the ground the tree roots would need to be cut therefore endangering the life of the trees.

An inspector came out after the ground was dug and prior to the elevation of the pool and found that the well and septic are not affected by the location of the pool.

The pool is located behind the house and the garage making it barely visible from either Mine Branch or Ady Rd.

I feel that the pool is an improvement to the property, appearance, and value.

There are not many options for the placement of a pool due to the layout of the property.

There are many things hindering the placement of the pool outside of the 50 foot setback.

For example: the septic line, location of trees, a septic reserve area, the drain field, and a large area of woods.

I have enclosed a petition from many of the neighbors supporting my request.

BRANCH ROAD

JOHN G. MCCONNELL, JR. ET UX
1460/215

PHILLIP K. SMITH
1416/045

MD RTE 543

This development subject to the following conditions:

- NRD - Forest Retention

SITE

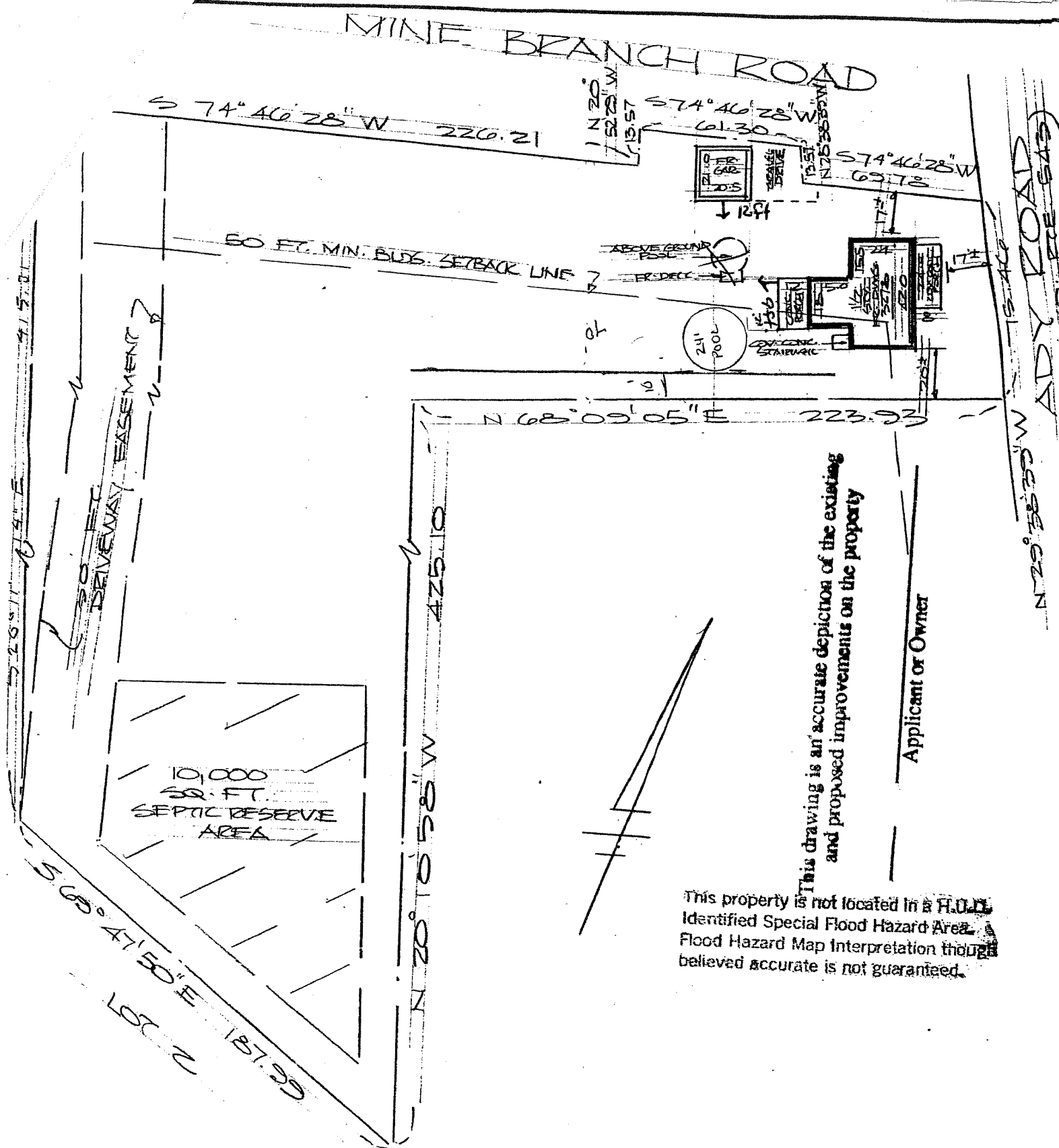
VICINITY MAP
SCALE: 1" = 2000'



NORTH BASED ON MONUMENTS FOUND ALONG
THE N 88°32'41" E 239.30' LINE OF LOT
ONE. ST. ANNE RECORDED IN P.B. 65/70

ADY ROAD

NORTH BASE
THE N 88° 32'
ST. A



This drawing is an accurate depiction of the existing and proposed improvements on the property

Applicant or Owner

This property is not located in a Flood Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.

1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
 3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.
 This is to certify that this drawing meets the Minimum

Lot 1, Plat of LANDS OF ROBERT D. LYNCH,
 Plat Book C.G.H. No. 95, Folio 9

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.

DIRECTOR OF ADMINISTRATION



HARFORD COUNTY GOVERNMENT

PERMIT NUMBER: 2004131B0210

DATE OF ISSUE: 05/21/2004

THIS PERMIT IS ISSUED TO HUTCHISON MARK
FOR THE WORK DESCRIBED BELOW:

JOB ADDRESS: 3278 ADY RD 21154 0000

SUBDIVISION: LD R. LYNCH

MAP: 0026 GRID: 0002C PARCEL: 0128 LOT: 001

TAX ID: 1305024803
SECT: 000 PLAT: 98/19

TYPE WORK: BUILD NEW STRUCTURE

WORK DESC: ABOVE GROUND POOL

SPECIAL CONDITIONS: SHALL NOT ENCROACH FRONT YARD SETBACK
SHALL MAINTAIN 10' SIDE YARD SETBACK

CONTRACTOR NAME TO BE DETERMINED

PHONE NO. 000-000-0000

INFORMATION ADDRESS

CITY, ST ZIP 00000 0000

MHBR/MHIC LICENSE # 00000

TRADE REGISTRY # 00000000

OWNER NAME HUTCHISON MARK

INFORMATION ADDRESS 3278 ADY RD

CITY, ST ZIP STREET MD 21154 1611

APPLICANT NAME CHERRILL HUTCHISON

INFORMATION ADDRESS 3278 ADY RD

CITY, ST ZIP STREET MD 21154 0000

PLAN INFORMATION

USE GROUP(S): R

EDITION OF CODE: 2000 INT'L BUILDING CODE

TYPE OF CONSTRUCTION: 0000 OCCUPANT LOAD: 0 SPRINKLERS: N

ACREAGE/LOT SIZE: IMPS 2 AC

ELEVATION: 0 CENSUS: 3051

ELECTRIC: Y PLUMBING: N BUILDING HGHT: 4 NO. STORIES: 51 NO. OF BEDRMS: 0

NO. OF FULL BATHS: 0 NO. OF HALF BATHS: 0

ZONING DISTRICT: AG BOARD OF APPEALS REFERENCE:

WATER/SEWER: WELL/SEPTIC

TOTAL SQ FOOTAGE: 0

PERMIT ADMINISTRATOR

5/21/04
DATE PROCESSED

THIS PERMIT MUST BE POSTED ON THE SITE DURING CONSTRUCTION.

CAUTION: THIS PERMIT WILL EXPIRE ONE (1) YEAR FROM DATE OF ISSUE,
UNLESS AN EXTENSION IS GRANTED BY THE DEPARTMENT.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us
This document is available in alternative format upon request.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 25, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5476

APPLICANT/OWNER: Cherrill Garrison
3278 Ady Road, Street, Maryland 21154

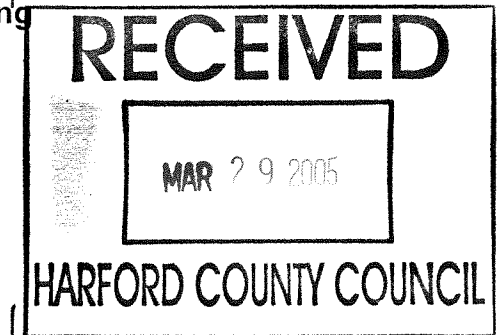
LOCATION: 3278 Ady Road – Southwest corner of Ady Road and Mine Branch
Road – Lands of Robert D. Lynch
Tax Map: 26 / Grid: 2C / Parcel: 128 / Lot: 1
Election District: Five (5)

ACREAGE: 2 acres

ZONING: AG/Agricultural

DATE FILED: January 31, 2005

HEARING DATE: April 6, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to permit an above ground pool within the required front yard setback in the AG/Agricultural District.

Section 267-26C(4) of the Harford County Code reads:

Preserving our values, protecting our future

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Board of Appeals Case Number 5476

Cherrill Garrison

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- (4) *No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 27-23C, Exception and modifications to minimum yard requirements.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the northern section of the County, north of Deer Creek, on the west side of Ady Road (MD Route 543) and the south side of Mine Branch Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope, where the predominant land designation is Agricultural. The Natural Features Map reflects Agricultural Preservation Districts and Easements, Sensitive Species Project Review areas, Parks, Deer Creek Scenic River Districts and Stream Systems. The land use designation for the subject property is Agricultural, which is defined by the Master Plan:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use in the area of the subject property is Agriculture. There are no major residential developments in the area. The topography of the area ranges from rolling to steep especially along Deer Creek and its many tributaries. A topographic map along with a copy of the aerial photograph is enclosed with the report (Attachments 6 and 7).

The subject property is located on the west side of Ady Road (MD Route 543) and the south side of Mine Branch Road. Mine Branch Road is paved from Ady Road (MD Route 543) to approximately the Applicant's garage. The balance of the road is gravel, however, it is County maintained. The property is an unusual shaped property approximately 2-acres in size that was recorded as Lot 1, Lands of Robert D. Lynch (Attachment 8). The topography of the site ranges from level to gently sloping around the improvements. The topography is steeper in the wooded portion of the lot. Improvements consist of a frame 2-story dwelling with an addition on the rear, an attached deck that extends to an above ground pool, a fence around the front and rear yards enclosing the pool area, a detached frame garage that sits just off of Mine Branch Road, a

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Cherrill Garrison

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frame shed building sitting next to the garage, and a paved parking area next to the garage. The property contains large mature trees and shrubbery. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are small areas of RR/Rural Residential that represents existing residential developments. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 11).

Zoning Enforcement:

The Department of Planning and Zoning received a complaint on August 25, 2004, that a deck along with an above ground pool had been erected without permits. The Department conducted an inspection on August 26, 2004, revealing a large deck constructed to the rear of the dwelling that extends to an above ground pool. The permit (04131B0210) for the pool was applied for by the Applicant, Cherrill Hutchison on May 10, 2004. No permit was located for the deck. The Department sent a letter on December 10, 2004, that explained the nature of the complaint and the findings of the Zoning Inspector. The inspector on a later follow-up found a fence had been erected in the front yard without a permit that appeared to be in the MD Route 543 right-of-way. A Board of Appeals pre-application meeting was held on January 19, 2005. The Case was then filed on January 31, 2005. In addition, permits for the deck and fence were applied for on that date. The deck permit was issued February 1, 2005. Enclosed with the report are copies from the Zoning Enforcement file for informational purposes only (Attachment 12).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to permit an above ground pool within the required front yard setback in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique pursuant to Section 267-11 of the Harford County Code. The lot is unusually shaped and was created around improvements that existed before zoning (1957), making them non-conforming to current standards. The property fronts on two roads and therefore is subject to two front yard setbacks that severely reduce the

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Cherrill Garrison

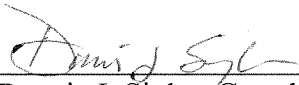
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building envelope. The Applicant is requesting a variance to allow their 24-foot pool to remain in the same place as the original 15-foot pool. Mine Branch Road is a dead end road serving approximately 6-other lots. Therefore traffic will not be impacted by the pool. Due to the shape of the lot and the non-conformity of the existing structures to setbacks, there are few reasonable options for the placement of the pool anywhere else on the property. A pool has been located in this same location for at least 16 years without creating a problem and there is no reason to believe that the new pool and deck will have any greater impact. The deck and pool are not visible from MD Route 543 and are mostly screened from Mine Branch Road by existing trees and the garage.

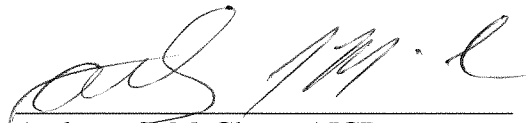
The Applicant has submitted a signed petition reflecting the names and signatures of their neighbors indicating they support the requested variance (Attachment 13).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved, subject to the Applicant obtaining all necessary permits and inspections.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf